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E-FILED ON JUNE 18, 2007

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12 Attorneys for Debtors

13 **UNITED STATES BANKRUPTCY COURT**

14 **DISTRICT OF NEVADA**

15 In re: USA COMMERCIAL MORTGAGE COMPANY, Debtor.	Case No. BK-S-06-10725 LBR Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR
16 In re: USA CAPITAL REALTY ADVISORS, LLC, Debtor.	Chapter 11
17 In re: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, Debtor.	Jointly Administered Under Case No. BK-S-06-10725 LBR
18 In re: USA CAPITAL FIRST TRUST DEED FUND, LLC, Debtor.	
19 In re: USA SECURITIES, LLC, Debtor.	
20 Affects: <input type="checkbox"/> All Debtors <input type="checkbox"/> USA Commercial Mortgage Company <input type="checkbox"/> USA Securities, LLC <input checked="" type="checkbox"/> USA Capital Realty Advisors, LLC <input type="checkbox"/> USA Capital Diversified Trust Deed Fund, LLC <input type="checkbox"/> USA Capital First Trust Deed Fund, LLC	NOTICE OF ENTRY OF ORDER SUSTAINING IN PART THE OMNIBUS OBJECTION OF USA CAPITAL REALTY ADVISORS, LLC TO CERTAIN CLAIMS AND CERTIFICATE OF SERVICE Hearing Date: April 26, 2007 Hearing Time: 9:30 a.m.

1 NOTICE IS HEREBY GIVEN that an Order Sustaining in Part the Omnibus Objection of
2 USA Capital Realty Advisors, LLC to Certain Claims was entered on the 15th day of May, 2007, a
3 copy of which is attached hereto.

4 Dated: this 30th day of May, 2007.

5 /s/ Lenard E. Schwartzer, Esq

6 Lenard E. Schwartzer, Nevada Bar No. 0399
7 Jeanette E. McPherson, Nevada Bar No. 5423
8 SCHWARTZER & MCPHERSON LAW FIRM
2850 South Jones Boulevard, Suite 1
9 Las Vegas, Nevada 89146

10 and

11 Annette W. Jarvis, Utah Bar No. 1649
12 RAY QUINNEY & NEBEKER P.C.
13 36 South State Street, Suite 1400
14 P.O. Box 45385
15 Salt Lake City, Utah 84145-0385

16 1. On June 18, 2007 I served the following document(s):

17 a. Notice of Entry of Order Sustaining in Part the Omnibus Objection of USA Capital
18 Realty Advisors, LLC to Certain Claims

19 2. I served the above-named document(s) by the following means to the persons as
20 listed below:

21 a. **By ECF System:**

22 b. **By United States mail, postage fully prepaid:**

23 SEE ATTACHED MAILING LIST

24 c. **By Personal Service**

25 I personally delivered the document(s) to the persons at these addresses:

26 For a party represented by an attorney, delivery was made by handing the
27 document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or
28 other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place
in the office.

29 For a party, delivery was made by handing the document(s) to the party or by
leaving the document(s) at the person's dwelling house or usual place of abode with someone of
suitable age and discretion residing there.

1 d. **By direct email (as opposed to through the ECF System)**

2 Based upon the written agreement to accept service by email or a court order, I
3 caused the document(s) to be sent to the persons at the email addresses listed below. I did not
4 receive, within a reasonable time after the transmission, any electronic message or other indication
5 that the transmission was unsuccessful.

6 e. **By fax transmission**

7 Based upon the written agreement of the parties to accept service by fax
8 transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed
9 below. No error was reported by the fax machine that I used. A copy of the record of the fax
10 transmission is attached.

11 f. **By messenger**

12 I served the document(s) by placing them in an envelope or package addressed to
13 the persons at the addresses listed below and providing them to a messenger for service.

14 **I declare under penalty of perjury that the foregoing is true and correct.**

15 Signed on: June 18, 2007

16 SARAH ARNOLD

17 (Name of Declarant)

18 /s/ SARAH ARNOLD

19 (Signature of Declarant)

Clark, Johnny
C/O William L Crimes Esq
601 E Charleston Blvd
Las Vegas, NV 89104

Margaret B McGimsey Trust
C/O William L McGimsey Esq
601 E Charleston Blvd
Las Vegas, NV 89104

Moon, Frieda
Trustee Of The Decedent's Trust Of The
Restated Moon Irrevocable Trust
2504 Callita Ct
Las Vegas, NV 89102

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Ttees Of The Halseth Family Tr
23 Molas Dr
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Entered on Docket
May 15, 2007

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

6 Annette W. Jarvis, Utah Bar No. 1649
 7 Steven C. Strong, Utah Bar No. 6340
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12 Attorneys for USA Realty Advisors, LLC

13 **UNITED STATES BANKRUPTCY COURT**
 14 **DISTRICT OF NEVADA**

15 In re: USA COMMERCIAL MORTGAGE COMPANY, Debtor.	16 Case No. BK-S-06-10725 LBR Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR
17 In re: USA CAPITAL REALTY ADVISORS, LLC, Debtor.	18 Chapter 11 19 Jointly Administered Under Case No. BK-S-06-10725 LBR
20 In re: USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, Debtor.	21 ORDER SUSTAINING IN PART THE OMNIBUS OBJECTION OF USA CAPITAL REALTY ADVISORS, LLC TO CERTAIN CLAIMS
22 In re: USA SECURITIES, LLC, Debtor.	23 Date of Hearing: April 26, 2007 24 Time of Hearing: 9:30 a.m.
25 Affects: 26 <input type="checkbox"/> All Debtors <input type="checkbox"/> USA Commercial Mortgage Company <input type="checkbox"/> USA Securities, LLC <input checked="" type="checkbox"/> USA Capital Realty Advisors, LLC <input type="checkbox"/> USA Capital Diversified Trust Deed Fund, LLC <input type="checkbox"/> USA First Trust Deed Fund, LLC	27 28

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1 The Omnibus Objection of USA Capital Realty Advisors, LLC ("USA Realty") to
2 Certain Claims (the "Objection") (Docket No. 3017) came before this Court on proper notice at
3 the hearing held April 26, 2007, at 9:30 a.m. Steven C. Strong of Ray Quinney & Nebeker P.C.
4 appeared on behalf of USA Realty. William L. McGimsey appeared on behalf of the Margaret B.
5 McGimsey Trust, Bruce McGimsey, Jerry McGimsey, Sharon McGimsey and Johnny Clark
6 (collectively, the "McGimsey Claimants"), and other appearances were noted on the record.

7 A response to the Objection was filed by the McGinnsey Claimants (Docket No. 3487). No
8 other responses were filed. Based on a prior stipulated order (Docket No. 3520) (the "Kantor
9 Continuance Order"), the claims of Dr. Gary Kantor, Kantor Nephrology Consultants Ltd., and
10 Lynn M. Kantor against USA Realty (the "Kantor Claims") addressed in the Objection were
11 continued for a status hearing on June 15, 2007 at 9:30 a.m.

12 THE COURT, having considered the Objection and the response thereto, and having
13 determined that good and sufficient cause exists for sustaining the Objection to the extent set forth
14 below, HEREBY ORDERS THAT:

15 1. The following claim listed on Exhibit A to the Objection is disallowed in its
16 entirety:

Claimant	Proof of Claim No.	Date Claim Filed	Proof of Claim Amount
Holzeth, Daniel R. & Sandra K Timez Of The Holzeth Family Tr 23 Molas Dr Durango, CO 81301	10728-00005	1/9/2007	Unknown

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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1 2. The following claims listed on Exhibit B to the Objection are disallowed in their
 2 entirety:
 3

4	5	6	7	8
	Claimant	Proof of Claim No.	Date Claim Filed	Proof of Claim Amount
9	10	11	12	13
14	15	16	17	18
19	20	21	22	23
24	25	26	27	28

1 3. As to the remaining claims listed on Exhibit A or Exhibit B of the Objection,
 2 namely the Kantor Claims and the claims of the McGimsey Claimants against USA Realty, the
 3 hearing on the Kantor Claims is continued for a status hearing on June 15, 2007 at 9:30 a.m., as
 4 provided in the Kantor Continuance Order, and the hearing on the claims of the McGimsey
 5 Claimants against USA Realty is also continued for a status hearing on June 15, 2007 at 9:30 a.m.;

6 4. The claims that are disallowed pursuant to this Order are disallowed in their
 7 entirety and for all purposes as claims against USA Realty and are not allowed as claims against
 8 any of the other Debtors in these jointly-administered bankruptcy cases.

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1 Submitted by:
2 SCHWARTZER & MCPHERSON LAW FIRM
and RAY QUINNEY & NEBEKER P.C.

3 By: /s/ Lenard E. Schwartz
4 LENARD E. SCHWARTZER, ESQ.
JEANETTE H. MCPHERSON, ESQ.
5 ANNETTE W. JARVIS, ESQ.
STEVEN C. STRONG, ESQ.
6 Attorneys for USA Capital Realty Advisors, LLC

APPROVED BY:

By: /s/ William L. McGimsey
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Attorney for Margaret B. McGimsey Trust,
Bruce McGimsey, Jerry McGimsey, Sharon
McGimsey, and Johnny Clark

11 Approved by:
12 OFFICE OF THE U.S. TRUSTEE
13 By: AUGUST B. LANDIS, ESQ.
14 SCOTT A. FARROW, ESQ.

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